

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health

Rule No. 580-5-30-.12

Rule Title: Research

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Delchie S. Popwell

Date 9/18/20

Alabama Department of Mental Health

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: 580-5-30-.12 Research

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Developmental Disabilities Division of the Alabama Department of Mental Health proposes to amend Chapter 580-5-30, Intellectual Disabilities Services, and repeal Chapter 580-5-33, Administrative and Support Requirements for Community Providers of Intellectual Disabilities Services. These proposed changes are intended to streamline and consolidate requirements and replace language deemed outdated and inappropriate current professional standards of practice. All requirements recommended for deletion from the Administrative Code shall be adopted in ADMH Policies and/or in DDD Operational Procedures as appropriate.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in person or by electronic means to Debbie.popwell@mh.alabama.gov until and including November 4, 2020. Persons wishing to submit data, views, or arguments orally should contact Ms. Popwell by telephone at (334) 353-2069 during this period to arrange for an appointment.

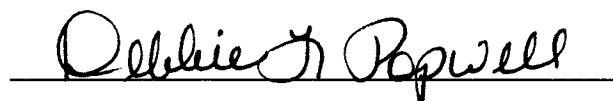
FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 4, 2020

CONTACT PERSON AT AGENCY:

Persons wishing a copy of the proposed may contact Debbie Popwell, Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130.

(334) 353-2069

A copy of the proposed change is available on the department's website at <http://mh.alabama.gov>. Click on Provider Portal and then Certification to find code with changes.

A handwritten signature in black ink, reading "Debbie J. Popwell", is written over a horizontal line.

(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

**580-5-30-.12 ~~Program Enrollment/DMH Medicaid Waiver Programs~~
Research**

~~Agencies/providers that participate in the Medicaid Waiver programs for financial compensation must be enrolled as a provider of services to individuals with intellectual disabilities, must be certified by the Department of Mental Health (DMH), and must be under contract or subcontract with the DMH. Certification does not guarantee a contract will be approved by DMH. Monitoring of waiver services by DMH is required to meet federal funding requirements and to protect the Medicaid funding source. This monitoring is conducted by DMH in accordance with DMH regulations. Agency/Provider Enrollment in the Medicaid Home and Community Based Waiver Program for Persons with Intellectual Disabilities (ID Waiver Program) and/or the Medicaid Home and Community Based Living at Home Waiver (LAH Waiver Program) requires the following: The agency/provider must be certified by DMH.~~

~~(1) The agency/provider must contract with DMH or subcontract with a DMH contractor.~~

~~(2) The agency/provider must provide to DMH the services it proposes to provide and numbers of individuals it proposes to serve if DMH approves a contract with the agency/provider. The DMH fee-for-service reimbursement system requires each agency/provider to comply with the established reimbursement rates for each specific service/support delivered to individuals.~~

~~(3) Each contracting provider agency shall acquire a National Provider Indicator (NPI) as required by HIPAA. The Department will register the provider agency's NPI with the Medicaid Fiscal Agent, which will issue a performing provider number for each program in which the provider agency becomes enrolled. Each agency/provider will be assigned a license to access DMH electronic billing and payment system know as ADIDIS. This access will allow the license holder to bill the DMH, which will then approve, deny or suspend the claim prior to submitting it to EDS or paying it directly.~~

~~(4) Individuals enrolled in either of the Waiver programs also receive support coordination from a qualified support coordination agency. The support coordinator services as an advocate and additional a resource for the individual.~~

~~(5) All individuals, along with their family or guardian, served under either of the two Waivers must be given freedom of choice among qualified providers as to who is going to provide each waiver service.~~

~~Each individual in either of the two waivers must have a plan of care which specifies the services and the number of units of service which he or she is expected to receive.~~

The DDD supports research that will contribute to the advancement of knowledge about the nature and causes of intellectual disabilities and intervention techniques related to intellectual disabilities. Each individual's rights and well-being will be protected during and after any such research project and will comply with all DMH Standards related to research. Research to be conducted within the DDD will require the approval of the Associate Commissioner for Developmental Disabilities. (Reference DMH Policy 001-006; 020-070; and 020-072)

Author: Division of Developmental Disabilities ~~(DMH)~~

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New Rule: Filed February 4, 2005; effective March 11, 2005. **Amended:** Filed January 17, 2011; effective December 21, 2011. **Amended:** Filed August 26, 2019; effective October 10, 2019. **Amended:** Filed September 18, 2020.